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IN THE

# Supreme Court of the United States.

OCTOBER TERM, 1903.

Office Supreme Court U. S.
FILED
OCT 13 1903
JAMES H. McKENNEY,
Clerk.

THE STATE OF MISSOURI,
*Complainant,*

*vs.*

THE STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO,
*Defendants.*

IN EQUITY.

No. 4 ORIGINAL.

## MOTION AND STIPULATION AS TO THE TAKING OF TESTIMONY.

STATE OF MISSOURI,
By EDWARD C. CROW, ATTORNEY GENERAL,
SAM. B. JEFFRIES, ASSISTANT ATTORNEY GENERAL,
WILLIAM F. WOERNER,
*Of Counsel for Complainant.*

STATE OF ILLINOIS,
By H. J. HAMLIN, ATTORNEY GENERAL.

THE SANITARY DISTRICT OF CHICAGO,
By JAMES TODD,
JOHN G. DRENNAN,
WILLIAM M. SPRINGER,
*Attorneys for The Sanitary District of Chicago.*

IN THE

# Supreme Court of the United States.

OCTOBER TERM, 1903.

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| **THE STATE OF MISSOURI,** *Complainant,* | |
| *vs.* | **IN EQUITY.** |
| **THE STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO,** *Defendants.* | **No. 4 ORIGINAL.** |

## MOTION TO EXTEND THE TIME FOR TAKING TESTIMONY.

Comes now WILLIAM M. SPRINGER, of counsel for defendants in the above entitled cause, and submits to the court herewith a stipulation signed by the counsel for complainant and defendants, respectively, asking an extension of the time for taking the testimony in said cause, and moves the court to enter an order in conformity with said stipulation for the reasons stated therein.

WILLIAM M. SPRINGER,
*Attorney for Defendants.*

IN THE

# Supreme Court of the United States.

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| THE STATE OF MISSOURI, *Complainant,* | |
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| THE STATE OF ILLINOIS and THE SANITARY DISTRICT OF CHICAGO, *Defendants.* | No. 4 ORIGINAL. |

## STIPULATION AS TO THE TAKING OF TESTIMONY.

Now come the complainant and the defendants in the above entitled cause, by their attorneys, respectively, and by agreement submit to this court that the order heretofore entered in this case requiring the taking of testimony in this case to be closed and the testimony submitted to the court on the first day of this term, be rescinded, and an

order entered requiring counsel to conclude the taking of testimony at the earliest time practicable, not later than January 1, 1904; and that when all the testimony is taken the special commissioner, Frank S. Bright, Esq., may be directed to report the same to this honorable court without any findings of fact or conclusions of law.

The reasons for asking this further extension of time are as follows:

1. The attorney general and the assistant attorney general of Missouri, who represent the complainant, were compelled to ask delays in the taking of testimony, on account of other business of the state which imperatively required their attention, and were not able to conclude complainant's testimony in chief until July 6, 1903.

2. That defendants began the taking of testimony in their behalf on the 10th day of July, and continued without interruption until the 24th day of that month. At that time, on account of pressing engagement of counsel for complainant, a postponement was agreed upon until August 10th, at which time the taking of testimony was renewed and continued until August 18th, at which time another postponement was agreed upon on account of the pressing engagements of counsel for complainant.

3. The great flood in the month of June last prevented communication with St. Louis for two or three weeks.

4. The amount of testimony which has been taken, and which will be taken hereafter far exceeds the expectations of counsel at the beginning of the litigation.

5. In view of the facts above set forth, it will be utterly impossible for defendants to conclude the taking of their testimony in chief at the time the court convenes for the

October term, 1903, even if it is continued from day to day without any interruption.

All of which is respectfully submitted.

THE STATE OF MISSOURI,
By EDWARD C. CROW,
Attorney General of Missouri.
SAM. B. JEFFRIES,
Assistant Attorney General of Missouri.
*For Complainant.*
W. F. WOERNER,
C. W. BATES,
*Of Counsel,*

THE STATE OF ILLINOIS,
By H. J. HAMLIN,
Attorney General.

THE SANITARY DISTRICT OF CHICAGO,
By JAMES TODD,
JOHN G. DRENNAN,
WILLIAM M. SPRINGER,
*Its Attorneys.*

FILE COPY.

IN THE

# Supreme Court of the United States.

ORIGINAL NO. 4.

STATE OF MISSOURI, Complainant,

vs.

THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, Defendants.

HERBERT S. HADLEY,
Attorney-General of Missouri.
CHAS. W. BATES,
City Counselor of St. Louis, and
SAM B. JEFFRIES,
Solicitors for Complainant.

W. H. STEAD,
Attorney-General of Illinois.
H. J. HAMLIN,
Solicitor for State of Illinois.
JAMES TODD and JOHN G. DRENNAN,
Solicitors for Sanitary District of Chicago.

THE GUNTHORP-WARREN PRINTING CO., 116 RANDOLPH STREET, CHICAGO

IN THE

# Supreme Court of the United States.

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ORIGINAL NO. 4.

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STATE OF MISSOURI, Complainant,

*vs.*

THE STATE OF ILLINOIS AND THE SANITARY DISTRICT OF CHICAGO, Defendants.

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And now comes the defendant, the State of Illinois, by W. H. Stead, its Attorney General, and H. J. Hamlin, its solicitor, and the defendant, the Sanitary District of Chicago, by James Todd and John G. Drennan, its solicitors and move the court for an extension of time of thirty days from October 15, 1905, to wit, until November 15, 1905, in which to file brief for defendants in this cause, for the following reasons:

On May 29, 1905, a motion was made by the complainant in this cause, which was agreed to by the defendants, asking that an order be entered as follows:

"That the briefs of the complainant shall be filed with the clerk of the court, and copies thereof shall be

served upon the solicitors of each of the defendants not later than the 30th day of August, 1905.

"That reply briefs of defendant shall be filed with the clerk of the court, and copies thereof served upon the solicitors for complainant not later than the 15th day of October, 1905; and that complainant's reply brief shall be filed with the clerk, and copies served on defendant's solicitors not later than one week before the day set by the court for the hearing of the cause.

"That complainant's Exhibits Nos. 1 to 13, both inclusive, Nos. 21 and 22, and the charts prepared by Professor Keizer, Nos. 23 to 35, both inclusive, and all of Professor Teichman's charts, Nos. 52 to 70, both inclusive, shall be withdrawn by complainant and reproduced, and when reproduced copies thereof shall be served upon the defendants' solicitors, the same to be done on or before the date of the filing of complainant's brief as hereinabove set forth: Provided, however, that any or all of complainant's exhibits not heretofore printed may be withdrawn and reproduced in accordance with the terms hereof."

Complainant's brief was filed and copy thereof served on solicitors for defendants on the day stipulated in the above motion, to wit on the 30th day of August, 1905, but complainant has been unable to have the exhibits referred to reproduced and copies of the same have not as yet been served on solicitors for defendant; this being without the fault of either the complainant or the defendants.

It is now ascertained that it will be impossible to secure said copies of exhibits for about three weeks, the same being in the hands of the engraver and printer.

As it is impossible for defendants to prepare the brief for defendants without copies of the exhibits above referred to, this motion is assented to by the

complainant, as is evidenced by the signatures hereto of its respective solicitors.

W. H. STEAD,
*Attorney General of Illinois.*
H. J. HAMLIN,
*Solicitor for Illinois.*
JAMES TODD,
JOHN G. DRENNAN,
*Solicitors for Sanitary District of Chicago.*
HERBERT S. HADLEY,
*Attorney General of Missouri.*
CHAS. W. BATES,
*City Counselor of St. Louis, and*
SAM B. JEFFRIES,
*Solicitors for Complainant.*